

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE FOSTER,

Plaintiff

v.

Case No. 4:20-cv-11103

District Judge Stephanie D. Davis

Magistrate Judge Anthony P. Patti

JEREMY BUSH,

Defendant.

**ORDER DIRECTING THE MICHIGAN DEPARTMENT OF ATTORNEY
GENERAL TO INFORM THE COURT WHETHER IT INTENDS TO
REPRESENT DEFENDANT BUSH and DIRECTING THE CLERK TO
SERVE A COPY OF THIS ORDER UPON PRIOR DEFENSE COUNSEL**

Plaintiff Robert Lee Foster (#151207) is an inmate currently incarcerated at the Chippewa Correctional Facility (URF) in Kincheloe, Michigan.¹ He filed this action on March 20, 2020 against Jeremy Bush, who is described as the warden at the G. Robert Cotton Correctional Facility (JCF), where Plaintiff was previously confined. (ECF No. 1, PageID.2, ¶ 1.)

Plaintiff is proceeding *in forma pauperis*. (ECF Nos. 2, 4.) On December 22, 2020, the Court entered an order staying the case, referring it to the *Pro Se* Prisoner Early Mediation Program. (ECF No. 10). Michigan's Attorney General

¹ See www.michigan.gov/corrections, "Offender Search," last visited Oct. 27, 2021.

entered a limited appearance of counsel (ECF No. 11); however, on May 19, 2021, the mediation conference was cancelled, and the case was excluded from the program. (ECF No. 15). Thus, defense counsel's representation concluded.

The Court promptly entered an order directing service without prepayment of costs and authorizing the U.S. Marshals Service (USMS) to collect costs after service is made. (ECF No. 16.) On May 26, 2021, the USMS acknowledged receipt of documents for service of process upon Defendant Bush at JCF. (ECF No. 17.) To date, Defendant Bush has not appeared, either *pro se* or via counsel.

Upon consideration, the Court **REQUIRES** Assistant Attorney General (AAG) Raina I. Korbakis to inform the Court, in writing and no later than **Thursday, November 11, 2021**, whether the Michigan Department of Attorney General intends to represent Defendant Bush. Because AAG Korbakis is not currently counsel of record and, therefore, is not receiving notices of electronic filings (NEFs), the Clerk of the Court is **DIRECTED** to serve a copy of this order upon AAG Korbakis at Michigan Department of Attorney General, MDOC Division, P.O. Box 30217, 4th Floor, Lansing, MI 48909.

IT IS SO ORDERED.

Dated: October 28, 2021



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE